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REMARKS

The courtesy of the interview granted on October 18, 2006 to Jeffrey T. Babicz, the inventor, Brian Starnes, Development Engineer of ChocoVision Corporation, the Assignee and the undersigned attorney.

The substance of the interview was as follows. The manner in which the claimed subject matter was supported in the specification was pointed out. A chocolate processing machine incorporating the features of the present invention and which is one of Assignee's commercially available products, was brought to the interview and the inventor pointed out how the machine was distinguishable from the prior art as typified by Schneider, Jr. (4,706, 558 and 4,706,558). The language of the claims and how it could be amended to better define over the prior art was discussed, culminating in the language incorporated in the claims in the instant amendment. The commercial success of applicant's invention was also discussed mentioning that the machine of the present invention has been a commercial success whereas the prior Schneider, Jr. machine with which the inventor was familiar, that had been put out by the Assignee's predecessor, had not enjoyed commercial success. It is believed that the advances and improvements found in the present application are the reasons that applicant's invention enjoyed commercial success vs. the prior art machine.

The undersigned believes that the above accurately reflects the substance of the interview, but applicant would like to add something more about the success of Applicant's invention. The invention, as disclosed and claimed in the present application, has been met with considerable success and is being sold from its plant in Poughkeepsie, New York to North America, the United Kingdom, the European Union, Australia, South Africa, the Asian market including Japan and other international markets. The invention is used by ordinary consumers, chocolate hobbyists, small bakeries, large-scale chocolate manufacturers such as Hershey's and M&M/Mars and by specialty chocolatiers such as Rocky Mountain Chocolate Factory.

Now, turning to the claims, Claim 1 has been amended so as to now call for – heating the bowl to a given temperature ... and to maintain the pool at the given temperature, not taught or suggested in the prior art typified by the Snyder, Jr. patents. This feature allows the chocolate to be held at a pre-determined temperature, overnight, for example, or in the drip mode.

Claim 2 includes – means for sensing relative humidity within the machine, means for setting pre-determined high and low relative humidity limits, and, means for providing a warning when a pre-determined relative humidity limit is reached -, nowhere found in the

prior art. The warning signal to the user indicates that conditions must be altered in order to provide the best atmospheric conditions for processing chocolate.

Claim 3 is similar to claim 2, but instead of sensing and monitoring relative humidity, one is sensing ambient air temperature.

Claim 4 calls for a ring, typically a high performance polymer, to be positioned between the top surface of the casing and the bowl lip to provide both stability to the bowl and preventing contamination of the casing interior. Acting as a liquid chocolate seal, the ring prevents accidental overflowed chocolate from seeping under the bowl area and into the machine internal mechanism.

Claim 5 calls for inclusion of a data port for interfacing with external computer programming units, not found in the prior art. Among other things, the machine can interface with external monitors, printers, computers and calibration equipment.

Independent claim 6 has been cancelled and rewritten as newly presented dependent claim 13.

Claim 7 calls for digital programmable means for selecting operating voltage, not found in the prior art and a distinct advantage when dealing with the same machine in both domestic and foreign markets.

Claim 8 has been amended to call for – means for making incremental changes in the temperature of the heat applied to the bowl by the heating means –, again not found in the prior art, and thereby allowing for a wide variety of chocolate processing scenarios.

Claim 9 adds a very valuable feature in the addition of a clock display, not found in the prior art. The clock display is used for such things as a visual interactive feedback aid to the user for features such as a timed "bowl off rotation countdown", and "heat only" for a timed interval before bowl rotation resumes.

Claim 10 has been cancelled as being duplicative of claim 13.

Independent claim 11 has been cancelled and rewritten as newly presented dependent claim 14.

Claim 12 allows for the provision of an additional cooling cycle for the chocolate, as, for example, to induce further crystallization during the tempering cycle.

Claim 13 permits bowl rotation and bowl heating over extended periods of time, not found in the prior art, so that, as has been a problem in the prior art, the chocolate can remain in a bowl for extended periods without thickening.

Finally, claim 14 deals with the menu feature of applicant's invention whereby numerous menus may be stored in the machine and recalled for later use.

At the interview on October 18, 2006, it first came to the attention of the inventor and the undersigned, that the application papers have a mistake in Mr. Babicz's middle initial. His middle initial is T, not M, and a request is made that the application papers be corrected to show that the inventor's full correct name is Jeffrey T. Babicz.

Reconsideration, allowance and passage to issue are respectfully requested. If any matter remains that can be taken care of by way of telephone call, the Examiner is requested to contact the undersigned at the number shown below.

Respectfully submitted,

Jeffrey T. Babicz

By


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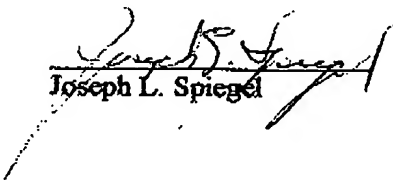
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I hereby certify that the above Form is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attention Primary Examiner Timothy F. Simone, Group Art Unit 1761 at facsimile no. 1-571-273-8300 on November 3, 2006.


Joseph L. Spiegel